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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 10th March, 1989:—

I

BILL No. II OF 1989

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1989. Short title.

2. In article 54 of the Constitution, in clause (b) after the words "the States" the words "and of the Legislative Councils of the States having such Councils" Shall be inserted. Amend-ment of article 54.

STATEMENT OF OBJECTS AND REASONS

In accordance with article 54 of the Constitution, the President shall be elected by the members of an electoral college consisting of the elected members of both Houses of Parliament and elected members of the Legislative Assemblies of the States. In Bihar, Jammu and Kashmir, Karnataka, Maharashtra and Uttar Pradesh, Legislative Councils are also functioning. In each of these States both the Assembly and the Council constitute the Legislature of the State. Like the Council of States, the Legislative Council of a State is not subject to dissolution and the members of the Legislative Council enjoy the same powers and privileges. According to article 171 of the Constitution members of the Legislative Councils are elected by electorates consisting of members of municipalities, district boards and other local authorities, in the State as Parliament may by law specify, and of graduates, teachers and also by the members of the Legislative Assembly from amongst persons who are not members of the Assembly.

It is, therefore, felt just and proper that the right to vote in the election of the President should also be given to the members of the Legislative Councils, wherever they exist and that the relevant provision in the Constitution should be amended for the purpose.

Hence this Bill.

SATYA PRAKASH MALAVIYA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that the elected members of the Legislative Councils, wherever they exist, shall also have the right to vote in the election of the President of India. This provision may involve expenditure from the Consolidated Fund of India. It is expected that the Bill, if enacted, will involve expenditure from the Consolidated Fund of India, whenever an election to the Office of President of India is held. There may be a nominal expenditure of about rupees twenty five thousand in preparing ballot papers etc.

No other expenditure either recurring or non-recurring is likely to be involved from the Consolidated Fund of India.

II

BILL No. IV OF 1989

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1989.

Insertion
of new
article
16A.

2. After article 16 of the Constitution, the following new article shall be inserted, namely:—

Right to
work.

“16A. (1) The State shall provide employment and an adequate means of livelihood to every adult citizen.

(2) An adult citizen who is unable to get employment in accordance with his qualifications and experience or is without adequate means of livelihood shall be entitled to financial relief from the State, at such rate and on such conditions as Parliament may by law provide.”

STATEMENT OF OBJECTS AND REASONS

Unemployment in our country is increasing day by day and there are about seventy million unemployed people in India. The ever increasing unemployment is generating frustration among the country's youth and other sections of the society. Unemployment is causing erosion of moral values, creating social devaluation and law and order problems.

Article 39(a) of the Constitution provides that the State shall, in particular, direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood. Article 41 of the Constitution provides that the State shall make effective provision for securing the right to work and to public assistance in case of unemployment. These provisions are not justiciable. The demand to make the right to work a fundamental right is being voiced in many quarters in the country. It is, therefore, necessary that right to work should be enshrined in the Constitution as a Fundamental Right.

Hence, this Bill.

SATYA PRAKASH MALAVIYA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all the citizens shall have the right to work so as to ensure them adequate means of livelihood. The Central Government and the State Governments have to take steps to provide employment to every adult citizen and financial relief to those who fail to secure employment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of rupees five hundred crores is likely to be involved. A non-recurring expenditure of rupees three hundred crores is also likely to be involved.

III

BILL No. VIII OF 1989

A Bill to provide for the welfare of children who are born handicapped or mentally retarded and for matters connected therewith.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Welfare of Handicapped and Mentally Retarded Children Act, 1989.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title,
extent
and
com-
mence-
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Handi-
capped
and
mentally
retarded
born
children
to be
taken
care of
by the
Central
Govern-
ment.

Power
to make
rules.

2. (1) The Central Government through the Central and State Social Welfare Boards shall take care of and bear all expenses towards the education, training for employment and shelter of all children who are born handicapped or mentally retarded.

(2) The Central Government shall make available adequate funds to the Central Social Welfare Board for implementing the provisions of this Act.

(3) All the State Social Welfare Boards shall function in accordance with the directions of the Central Social Welfare Board.

3. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid before each House of the Parliament.

STATEMENT OF OBJECTS AND REASONS

There are a large number of children in India who are born either handicapped or mentally retarded. The number of such children is increasing day by day due to lack of nutritious food. These children are not properly looked after by the parents and are neglected. Some of the parents even force them for begging. As such, there is an urgent need that all such children are maintained and looked after by the Government. It should be the responsibility of the Government to take care of their proper upbringing, maintenance and employment so that the handicapped children could also feel proud of themselves like other children. The Bill seeks to achieve this objective.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that all expenses for bringing up such children who are born handicapped or mentally retarded and for their education, etc. will be borne by the Central Government by providing adequate funds at the disposal of Central and State Social Welfare Boards. The Bill, therefore, if enacted, is likely to involve recurring expenditure of about Rs. 50 crores from the Consolidated Fund of India.

A non-recurring expenditure of Rs. 10 crores is also likely to be incurred in this connection.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

IV

BILL NO. VII OF 1989

A Bill to provide for the financial relief to old persons and the needy widows and for matters connected therewith.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

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|--|--------------------------------------|
| 1. (1) This Act may be called the Financial Relief to Old Persons and the Widows Act, 1989. | Short title extent and commencement. |
| (2) It extends to the whole of India. | |
| (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. | |
| 2. In this Act, unless the context otherwise requires:— | Definitions. |
| (a) "appropriate Government" means the Central Government in respect of the Union Territories and the State Government in respect of the States. | |

(b) "old person" means any person who has attained the age of sixty years or more.

Financial relief to old persons and the widows.

3. Every old person and every widow having no independent and adequate means of livelihood shall, on an application made in the prescribed form be paid rupees three hundred per month as financial relief by the appropriate Government which shall be subject to alteration on the basis of the prevailing cost index.

Social Welfare Boards to disburse financial relief.

4. The Financial relief referred to in section 3 shall be disbursed to every old person and every widow by the appropriate Government through its Social Welfare Board.

Planning of Funds at the disposal of Social Welfare Boards.

5. The appropriate Government shall place adequate funds at the disposal of the Social Welfare Board for granting the benefits under this Act.

Power to make rules.

6. The appropriate Government may make rules for carrying out the purposes of this Act and shall cause them to be laid before Parliament and the State Legislatures, as the case may be.

STATEMENT OF OBJECTS AND REASONS

There are crores of old persons and widows all over the country who are financially crippled. They have no place to live in. The old persons cannot work any more for their livelihood and the widows are also facing the same problem of livelihood. Some widows are having children who are also suffering. It was customary in India for every Indian to look after their aged parents. But now the economic position has become so difficult that it is not possible for the low income families to support them. This problem is found in villages also. Therefore, it should be the prime concern of the Government to come forward to help the old persons and the widows so as to take them out from the life of distress.

The Bill seeks to achieve this objective.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 3 provides for grant of monthly financial relief of rupees three hundred to old persons and the widows. Clause 5 of the Bill provides that the Central Government shall place adequate funds at the disposal of the Social Welfare Boards for granting financial relief to old persons and the widows. Though the exact number of persons who will be claiming the relief is not known but they will run into crores. It is estimated that a recurring expenditure of rupees five hundred crores is likely to be involved. No non-recurring expenditure is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 empowers the Central Government to make rules to carry out the purposes of this Act. The delegation of legislative power is in regard to the matters of detail and is therefore of normal character.

V

BILL NO. V OF 1989

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1989.

2. In article 340 of the Constitution, for clause (3) the following clause shall be substituted, namely:—

“(3) The President shall, within a period of one year from the date of the presentation of the report to him, cause a copy of the report so presented together with a memorandum explaining the actions taken on the recommendations, to be laid before each House of Parliament,”

Short
title.

Amend-
ment of
article
340.

STATEMENT OF OBJECTS AND REASONS

In spite of various measures taken by the Government and various social organisations to help the downtrodden and backward classes, the problems of the backward classes have remained unsolved.

Article 340 of the Constitution enjoins upon the President to set up a Commission to investigate the conditions of backward classes. The Article is interpreted as one of recommendatory nature and not a mandatory one. Relying on this interpretation, the Government has not, so far, taken any action in regard to the implementation of the recommendations in the Report. This should be made mandatory.

Hence, this Bill.

RAM NARESH YADAV.

SUDARSHAN AGARWAL,
Secretary-General.

